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APPLICATION NO.	PLICATION NO. FILING DATE 10/081,294 02/21/2002		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/081,294			Kimmo Alanen	460-010837-US(PAR)	9809		
2512	7590	11/24/2004		EXAMINER			
PERMAN			•	ISSING, GR	ISSING, GREGORY C		
425 POST ROAD FAIRFIELD, CT 06824				ART UNIT	PAPER NUMBER		
				3662			

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	on No.	Applicant(s)				
		10/081,29	94	ALANEN ET AL.	91			
	Office Action Summary	Examiner		Art Unit				
		Gregory C		3662				
Period fo	The MAILING DATE of this communic or Reply	ation appears on the	cover sheet with the c	orrespondence add	ress			
THE - External after - If the - If NC - Failu	ORTENED STATUTORY PERIOD FO MAILING DATE OF THIS COMMUNIC nsions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) opened for reply is specified above, the maximum stature to reply within the set or extended period for reply within the set or extended period	ATION: 37 CFR 1.136(a). In no evinication. days, a reply within the statitory period will apply and will, by statute, cause the app	ent, however, may a reply be timusers, however, may a reply be timusers, and the start of the st	ely filed s will be considered timely. the mailing date of this com 0 (35 U.S.C. § 133).	imunication.			
Status								
2a) <u></u> ☐	Responsive to communication(s) filed on <u>17 September 2004</u> . This action is FINAL . 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
5)□ 6)⊠ 7)□	Claim(s) 1-22 is/are pending in the ap 4a) Of the above claim(s) is/are Claim(s) is/are allowed. Claim(s) 1-22 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction	withdrawn from co						
Applicati	on Papers							
10)	The specification is objected to by the The drawing(s) filed on is/are: a Applicant may not request that any objecti Replacement drawing sheet(s) including the oath or declaration is objected to be	a) accepted or b) on to the drawing(s) be the correction is require	e held in abeyance. See ed if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFF				
Priority ι	ınder 35 U.S.C. § 119							
a)l	Acknowledgment is made of a claim for All b) Some * c) None of: 1. Certified copies of the priority do 2. Certified copies of the priority do 3. Copies of the certified copies of application from the International see the attached detailed Office action	ocuments have bee ocuments have bee the priority docume al Bureau (PCT Rule	n received. n received in Application ents have been receive e 17.2(a)).	on No d in this National S	tage			
2) Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO mation Disclosure Statement(s) (PTO-1449 or P r No(s)/Mail Date <u>20041021</u> .		4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	te	152)			

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1. The IDS filed 10/21/04 is acknowledged. However, the German document has not been

considered since no statement of relevancy is provided for this non-English document.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out

his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention. The

added limitation "using the one or more reference points to predict a signal phase of a positioning

system" is not disclosed in the specification as originally filed. This feature is required to be

canceled since it consists of new matter.

4. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter

which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention. The

method and means for using the reference point(s) to predict a signal phase of a positioning system

is non-enabling since the specification fails to show how this is accomplished or what this

(predicting a signal phase of a positioning system) means.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly

claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood what is meant by the language "a signal phase of a positioning system". Although claim 22 defines the "signal phase" comprises a code phase, a bit phase, a subframe phase, a frame phase or a Doppler shift, it is not understood what this relationship is or how any of the claimed "signal phases" are predicted or for what purpose/use they are predicted. Moreover, the meaning of predicting any one of the items, ie. a bit phase of a positioning system, is not clear and has no meaning.

- 7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bloebaum et al (6,433,735).

Bloebaum et al disclose a method and system for positioning of a wireless communication device (mobile 110, shown in greater detail in Figure 3) comprising storing position data of a plurality of reference points (cellular base stations 103-105) in at least one database (database 210a, shown in greater detail in Figures 3 and 4), identifying which of the reference points (cellular base stations) are in the vicinity of the mobile communication device via reception of cell ID information (cell global identity) that is transmitted by respective cellular base stations (steps 502-503 or 602 of Figs. 5 or 6 respectively), transmitting at least position data (steps 506-507 or 605-606 of Figs 5 or 6 respectively) and determining the location of the mobile device based on the data comprising the geographic position associated with the current cell ID number.

Applicants argue that the claims are not anticipated by Bloebaum et al since they fail to disclose or suggest that one or more reference points can be used to determine or predict signal phases of visible satellites of a GPS system wherein the term "visible satellites" means satellites

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which are above the horizon with respect to the wireless communications device. Firstly, the applicants' arguments are not commensurate in scope with the claim language and therefore the arguments are not convincing. Secondly, the added limitation of the claimed subject matter is considered new matter and is required to be canceled from the claims (1, 11, 21 and 22). Thirdly, the added limitation of the claimed subject matter is insufficiently disclosed and not clearly claimed so that the meaning and scope of such cannot be ascertained. Lastly, Bloebaum et al describe the use of aiding data from the cellular network wherein it is stated:

"(a)s will be described in greater detail below, a location server 109 in the radio network may provide aiding data to the positioning-enabled mobile terminal 110. This aiding data may be, for example, data indicating the current cell in which the mobile terminal is positioned. Other types of aiding data, e.g. satellite ephemeris, time estimates, etc. may also be provided. The data may be provided to improve the performance of the mobile terminal 110, such as reducing time-to-first-fix (TTFF), or increasing the sensitivity of the mobile terminal 110 so that signals from the positioning satellite 112 (e.g. a GPS satellite) may be acquired by the mobile terminal in difficult radio propagation environments. Providing a position of the current cell of the mobile terminal 110 is helpful in this regard, even if the position is relatively inaccurate (e.g. the geographical coordinates of the base station)."

Thus, the applicants' arguments are not convincing.

9. The reference to Lau (5,883,594) is cited for its teachings of providing aiding data to a wireless communication device wherein the aiding data provides the wireless communication device with information to decrease time to first fix as well as reduce power consumption wherein the aiding data GPS acquisition and location information including satellite visibility, health and ephemeris and wherein a satellite selection code 50 included in the executable code 40 includes instructions for using the satellite visibility, health, and ephemeris information for generating the initial adjustment signal that selects one or several of the stored PRN codes for the GPS satellites that are to be used as well as a code for determining an initial adjustment to the frequency and phase of the internal replica signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Thomas Tarcza can be reached on 703-306-4171. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Gregory(C) Issing Primary Examiner Art Unit 3662

gci